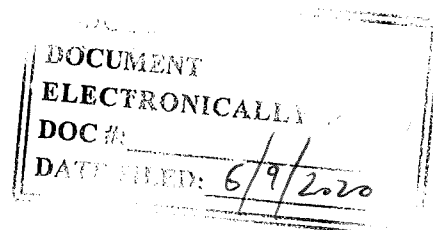


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
FORTUNATO K. FEBUS,  
Plaintiff,

v.

CCS CORRECT CARE SOLUTIONS;  
SORRELL FELDMAN, M.D.; SGT.  
HERNANDEZ; and COUNTY OF ORANGE,  
Defendants.  
-----X**ORDER**

17 CV 3408 (VB)



Plaintiff, proceeding pro se and in forma pauperis, commenced this Section 1983 action on May 5, 2017. (Doc. #2).

By Opinion and Order dated August 29, 2018, the Court dismissed plaintiff's claims against defendants CCS Correct Care Solutions, the County of Orange, and Sergeant Hernandez. (Doc. #68 at 13). Accordingly, the sole claim that survived defendants' motions to dismiss was plaintiff's Eighth Amendment deliberate indifference to serious medical needs claim against defendant Sorrell Feldman, M.D. ("Dr. Feldman"). (Id.).

On January 17, 2020, Dr. Feldman moved for summary judgment against plaintiff, and mailed to plaintiff copies of the motion and supporting documents. (Docs. ##106–112). Plaintiff's opposition to the motion was due February 20, 2020. (Doc. #104).

By letter dated February 7, 2020, plaintiff requested a two-month extension of time to respond to Dr. Feldman's motion. (Doc. #117). Accordingly, by Order dated February 11, 2020, the Court extended to April 20, 2020, plaintiff's time to oppose the motion. (Doc. #118). The February 11 Order warned plaintiff, in bold and underlined font, that if plaintiff failed to oppose the motion by April 20, the motion would be deemed fully submitted and unopposed. (Id.).

Plaintiff failed to oppose the motion by April 20, 2020. However, by Order dated May 4, 2020, the Court sua sponte further extended to May 26, 2020, plaintiff's time to oppose the motion. (Doc. #119). The May 4 Order warned plaintiff, in bold and underlined font, that if plaintiff failed to oppose the motion by May 26, the motion would be deemed fully submitted and unopposed. (Id.).

To date, plaintiff has failed to file an opposition to the motion.


Accordingly, the Court deems Dr. Feldman's summary judgment motion fully submitted and unopposed, and will consider the motion in due course.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: June 9, 2020  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti", written over a horizontal line.

Vincent L. Briccetti  
United States District Judge